



## THE CITY OF ARTESIA, CALIFORNIA

18747 CLARKDALE AVENUE, ARTESIA, CALIFORNIA 90701

Telephone 562 / 865-6262

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"Service Builds Tomorrow's Progress"

February 22, 2006

Board of Supervisors  
Executive Officer  
Room 383, Kenneth Hahn of Administration  
500 West Temple Street  
Los Angeles, Ca. 90012

Please be advised that at the February 21, 2006, Special City Council meeting, Council voted to approve the following resolutions:

### **RESOLUTION NO. 1960**

A Resolution of the City Council of the City of Artesia calling and giving notice of the holding of a Special Municipal Election on Tuesday, June 6, 2006, for the submission to the qualified voters an Ordinance.

### **RESOLUTION NO. 1963**

A Resolution of the City Council of the City of Artesia, California Requesting the Board of Supervisors of the County of Los Angeles to consolidate a Special Municipal Election to be held on Tuesday, June 6, 2006, with the Statewide General Election to be held on the date pursuant to Section 10403 of the Elections Code.

Certified copies of Resolution No. 1960 and Resolution No. 1963 are attached for your records.

If you have any questions regarding this matter, please contact me at 562-865-6262.

Sincerely,

Gloria Considine  
City Clerk/Treasurer

GC/s  
Attachments

RESOLUTION NO. 1963

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ARTESIA, CALIFORNIA REQUESTING THE BOARD OF SUPERVISORS OF THE COUNTY OF LOS ANGELES TO CONSOLIDATE A SPECIAL MUNICIPAL ELECTION TO BE HELD ON TUESDAY, JUNE 6, 2006, WITH THE STATEWIDE GENERAL ELECTION TO BE HELD ON THE DATE PURSUANT TO SECTION 10403 OF THE ELECTIONS CODE

WHEREAS, the City Council of the City of Artesia has called a Special Municipal Election to be held on June 6, 2006 for the purpose of submitting Ordinance No. 688 to the voters; and;

WHEREAS, the City Council is submitting to the voters the following question relating to Ordinance No. 688:

Shall Ordinance No. 688 be adopted to prohibit the sale and discharge of safe and sane fireworks in the City, to allow City-approved and City-sponsored fireworks displays as exceptions to that prohibition, and to amend the Artesia Municipal Code accordingly?	Yes
	No

WHEREAS, it is desirable that the Special municipal election be consolidated with the Statewide General municipal election to be held on the same date and that within the city the department of the County of Los Angeles canvass the returns of the Special Municipal Election and that the election be held in all respects as if there were only one Election.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF ARTESIA DOES RESOLVE, DECLARE, DETERMINE AND ORDER AS FOLLOWS:

SECTION 1. That pursuant to the requirements of Section 10403 of the Elections Code, the Board of Supervisors of the County of Los Angeles is hereby requested to consent and agree to the consolidation of a Special Municipal Election with the Statewide General election on Tuesday, June 6, 2006, for the purpose of submitting ordinance to the voters.

SECTION 2. The City Council requests that the question to be submitted to the voters on the consolidated ballot be as follows:

Shall Ordinance No. 688 be adopted to prohibit the sale and discharge of safe and sane fireworks in the City, to allow City-approved and City-sponsored fireworks displays as exceptions to that prohibition, and to amend the Artesia Municipal Code accordingly?	Yes
	No

SECTION 3. That the county election department is authorized to canvass the returns of the Special Municipal Election. The election shall be held in all respects as if there were only one election, and only form of the ballot shall be used.

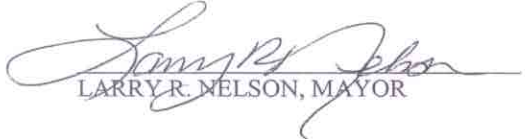
SECTION 4. That the Board of Supervisors is requested to issue instructions to the county election department to take any and all steps necessary for the holding of the consolidated election.

SECTION 5. That the City of Artesia recognizes that additional costs will be incurred by the County by reason of this consolidation and agrees to reimburse the County for any costs.

SECTION 6. That the City Clerk is hereby directed to file a certified copy of this resolution with the Board of Supervisors and the county election department of the County of Los Angeles.

SECTION 7. That the City Clerk shall certify to the passage and adoption of this resolution and enter it into the book of original resolutions.

PASSED, APPROVED and ADOPTED this 21st day of February, 2006.

  
LARRY R. NELSON, MAYOR

ATTEST:

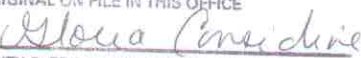
  
GLORIA CONSIDINE, CITY CLERK/CITY TREASURER

I, Gloria Considine, City Clerk of the City of Artesia, do hereby certify that the following Resolution No. 1963 was adopted by the City Council of the City of Artesia at a Meeting held on the 21st day of February, 2006, by the following roll call note:

AYES:	COUNCILMEMBERS: Martins, Lyon and Nelson
NOES:	COUNCILMEMBERS: Flowers
ABSENT:	COUNCILMEMBERS: Mendoza
ABSTAIN:	COUNCILMEMBERS: None

  
GLORIA CONSIDINE, CITY CLERK/TREASURER

THIS DOCUMENT IS A FULL TRUE AND CORRECT COPY  
OF THE ORIGINAL ON FILE IN THIS OFFICE

ATTEST   
CITY CLERK OF THE CITY OF ARTESIA

RESOLUTION NO. 1960

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ARTESIA CALLING AND GIVING NOTICE OF THE HOLDING OF A SPECIAL MUNICIPAL ELECTION ON TUESDAY, JUNE 6, 2006, FOR THE SUBMISSION TO THE QUALIFIED VOTERS AN ORDINANCE

WHEREAS, the City Council of the City of Artesia on November 14, 2005, adopted Ordinance No. 688 prohibiting the sale and discharge of safe and sane fireworks in the City; and

WHEREAS, Ordinance No. 688 was posted as required by law; and

WHEREAS, pursuant to authority provided by Division 9, Chapter 3, Article 2 (commencing at § 9235) of the Election Code of the State of California, a petition has been filed with the legislative body of the City of Artesia signed by more than ten percent of the registered voters of the city to repeal the ordinance or submit it to a vote of the voters; and

WHEREAS, the City Clerk examined the records of registration and ascertained that the petition is signed by the requisite number of voters, and has so certified; and

WHEREAS, the City Council has not voted in favor of the repeal of the ordinance; and

WHEREAS, the City Council is authorized and directed by statute to submit the ordinance to the voters;

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF ARTESIA DOES RESOLVE, DECLARE, DETERMINE AND ORDER AS FOLLOWS:

SECTION 1. That pursuant to the requirements of the laws of the State of California relating to general law cities, there is called and ordered to be held in the City of Artesia, California, on Tuesday, June 6, 2006, a Special Municipal election for the purpose of submitting the following ordinance:

Shall Ordinance No. 688 be adopted to prohibit the sale and discharge of safe and sane fireworks in the City, to allow City-approved and City-sponsored fireworks displays as exceptions to that prohibition, and to amend the Artesia Municipal Code accordingly?	Yes
	No

SECTION 2. That the text of the ordinance submitted to the voters is attached as Exhibit A.

SECTION 3. That the ballots to be used at the election shall be in form and content as required by law.

SECTION 4. That the City Clerk is authorized, instructed and directed to procure and furnish any and all official ballots, notices, printed matter and all supplies, equipment and paraphernalia that may be necessary in order to properly and lawfully conduct the election.

SECTION 5. That the polls shall be open at seven o'clock a.m. of the day of the election and shall remain open continuously from that time until eight o'clock p.m. of the same day when the polls shall be closed, except as provided in §14401 of the Elections Code of the State of California.



SECTION 6. That pursuant to Elections Code § 12310, a stipend for services for the persons named as precinct board members is fixed at the sum of \$75.00 for each Inspector and \$65.00 for each Clerk for the election.

SECTION 7. That in all particulars not recited in this resolution, the election shall be held and conducted as provided by law for holding municipal elections.


SECTION 8. That notice of the time and place of holding the election is given and the City Clerk is authorized, instructed and directed to give further or additional notice of the election, in time, form and manner as required by law.

SECTION 9. That the City Clerk shall certify to the passage and adoption of this resolution and enter it into the book of original resolutions.

PASSED, APPROVED and ADOPTED on this 21st day of February, 2006.


  
LARRY R. NELSON, MAYOR

ATTEST:

  
GLORIA CONSIDINE, CITY CLERK/TREASURER

I, Gloria Considine, City Clerk of the City of Artesia, do hereby certify that the following Resolution No. 1960 was adopted by the City Council of the City of Artesia at a Meeting held on the 21st day of February, 2006, by the following roll call note:

AYES:	COUNCILMEMBERS: Martins, Lyon and Nelson
NOES:	COUNCILMEMBERS: Mendoza and Flowers
ABSENT:	COUNCILMEMBERS: None
ABSTAIN:	COUNCILMEMBERS: None

  
GLORIA CONSIDINE, CITY CLERK/TREASURER

THIS DOCUMENT IS A FULL, TRUE AND CORRECT COPY  
OF THE ORIGINAL ON FILE IN THIS OFFICE

ATTEST   
CITY CLERK OF THE CITY OF ARTESIA

ORDINANCE NO. 688

AN ORDINANCE OF THE CITY OF ARTESIA  
PROHIBITING THE SALE AND DISCHARGE OF SAFE  
AND SANE FIREWORKS IN THE CITY, PROVIDING  
LIMITED EXCEPTIONS TO THAT PROHIBITION, AND  
AMENDING THE ARTESIA MUNICIPAL CODE

THE CITY COUNCIL OF THE CITY OF ARTESIA HEREBY ORDAINS AS  
FOLLOWS

**Section 1. Findings.**

(a) The State Fireworks Law, California Health and Safety Code § 12500, et seq., permits each city to regulate or prohibit the sale, use and/or discharge of "safe and sane fireworks" within its jurisdiction.

(b) The City of Artesia has heretofore permitted the sale and discharge of safe and sane fireworks.

(c) The City Council of the City of Artesia has determined that the sale and discharge of safe and sane fireworks presents a risk of harm to persons and property.

(d) In order to more fully protect the health and safety of persons and property within the City of Artesia, it is the intent of the City Council in adopting this Ordinance to prohibit further sales and discharges of safe and sane fireworks.

(e) All legal prerequisites to the adoption of this Ordinance have occurred.

**Section 2.** Chapter 2 of Title 4 of the Artesia Municipal Code is hereby repealed provided, however, that such repeal shall not affect or excuse any violation or affect any prosecution for a violation thereof occurring prior to the effective date of this Ordinance.

**Section 3.** A new Chapter 2 is hereby added to Title 4 of the Artesia Municipal Code to read as follows:

**"CHAPTER 2  
FIREWORKS PROHIBITED**

**4-2.101 The Sale and/or Discharge of Safe and Sane Fireworks Prohibited.** Except as otherwise expressly provided in this Chapter, it shall be unlawful for any person to sell or resale, explode or discharge 'safe and sane fireworks,' as defined in §12529 of the California Health and Safety Code, or successor provision thereto, at any time or place within the City of Artesia. For purpose of this section and by way of example but not by way of limitation, "safe and sane fireworks," within the scope of this ban include devices designated by the manufacturer as fireworks, and include skyrockets, Roman candles, rockets, Daygo bombs, sparklers, paper caps, chasers, smoke sparks, aerial bombs, and fireworks kits.

**4-2.102 Exceptions.** Notwithstanding the provisions of Section 4-2.101 of this Chapter, nothing herein shall prohibit the discharge of safe and sane fireworks under the following circumstances:

(a) When conducted as part of a properly permitted 'public display of fireworks,' as that term is defined in California Health and Safety Code § 12524, or successor provision thereto. The City Council may contract with any person or business entity to provide such display for the benefit of the City upon terms and conditions deemed appropriate by the City Council;

(b) When conducted in connection with a film, television or theatrical production occurring within the City for which written permission of the City Manager, and any required permit, have been obtained;

(c) When conducted in connection with any educational demonstration being provided by the Los Angeles County Fire Department; or

(d) When conducted for any other purpose expressly authorized by law.

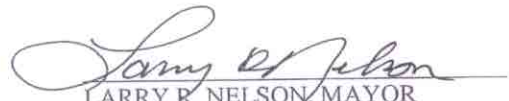
**4-2.103 Parental Responsibility.** Pursuant to California Civil Code § 1714.1(a), Health and Safety Code §§ 13007, 13009 and 13009.1, and to the extent permitted by those and any other applicable laws, any act of a minor in connection with the discharge of a firework that results in injury or death to another person or in any injury to property shall be imputed to the parent or guardian having custody and control of the minor for all purposes related to civil damages, and the parent and guardian having custody and control shall be jointly and severally liable with the minor for any damages resulting from the minor's act, including the costs of any emergency response necessitated thereby, in an amount not to exceed twenty-five thousand dollars (\$25,000.00) or such greater amount as allowed by law. Such damages may include restitution to the person injured and/or the owner of property damaged by such minor.

**4-2.104 Penalties.** Any person, firm, partnership, corporation or other entity violating any provision of this chapter shall be deemed guilty of a misdemeanor and shall be punishable as set forth in Chapter 2 of Title 1 of this Code. Each such person, firm, partnership, corporation or other entity shall be deemed guilty of a separate offense for each and every firework during which any violation of Section 4-2.101 is committed, continued or permitted by such person, persons, firm, partnership, corporation or other entity, and shall be deemed punishable therefor as provided in Chapter 2 of Title 1 of this Code."

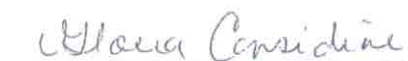
**Section 4. Severability.** The City Council declares that should any provision, section, paragraph, sentence, or word of this Ordinance be rendered or declared invalid by any final court action in a court of competent jurisdiction, or by reason of any preemptive legislation, the remaining provisions, sections, paragraphs, sentences and words of this Ordinance shall remain in full force and effect.

**Section 5.** The City Clerk shall certify to the adoption of this Ordinance.

PASSED, APPROVED AND ADOPTED this 14<sup>TH</sup> day of November, 2005.

  
LARRY R. NELSON, MAYOR

ATTEST:

  
GLORIA CONSIDINE, CITY CLERK/CITY TREASURER

I, Gloria Considine, City Clerk of the City of Artesia do hereby certify that the foregoing ordinance was adopted at a regular meeting held on the 14<sup>th</sup> day of November 2005, by the following roll call vote:

AYES: COUNCILMEMBERS: Martins, Lyon and Nelson  
NOES: COUNCILMEMBERS: Mendoza and Flowers  
ABSENT: COUNCILMEMBERS: None  
ABSTAIN: COUNCILMEMBERS: None

*Gloria Considine*  
GLORIA CONSIDINE, CITY CLERK